

**Table 4-1. Potentially Applicable or Relevant and Appropriate Requirements**

ARARs/TBCs	Citation or Reference	Requirements	Applicability
<b>Chemical-Specific ARARs</b>			
Designation of Hazardous Substances, Determination of Reportable Quantities	40 CFR 302.4 – 302.5	<p>This section provides tables on the following substances:</p> <p>a) Listed hazardous substances. The elements, compounds, and hazardous wastes appearing in Table 302.4 are designated as hazardous substances under Section 102(a) of CERCLA.</p> <p>b) Unlisted hazardous substances. A solid waste, as defined in 40 CFR 261.2, which is not excluded from regulation as a hazardous waste under 40 CFR 261.4(b), is a hazardous substance under Section 101(14) of CERCLA if it exhibits any of the characteristics identified in 40 CFR 261.20 through 261.24.</p>	Applicable because hazardous substances might be in the contaminated soil. Waste encountered during the remediation of the contaminated soil will be characterized to determine whether it is hazardous or nonhazardous.
Identification and Listing of Hazardous Waste	40 CFR 261.10; 261.20 - 24	Identifies those waste subject to regulation as hazardous wastes.	The criteria and limitations used to identify wastes as being hazardous or nonhazardous are applicable to all wastes and are relevant and appropriate to all alternatives at the site.
Oklahoma Air Pollution Control Rules	OAC 252:100-3-4; 100-29; 100-43-2 to 100-43-5	Establishes controls for air pollutants; establishes visible emissions limit, fugitive dust controls, and testing and monitoring requirements for air quality.	Applicable to discharge of fugitive dust during remedial actions (i.e., excavation, and placement of contaminated soil in the containment repository).
<b>Location-Specific ARARs</b>			
Migratory Bird Treaty Act	16 United States Code (USC) 703	Protects almost all species of native birds in the United States from unregulated taking.	Applicable if work is taking place in a migratory flyway.

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Permits and Enforcement	CERCLA 121 (e)	This section of CERCLA states that no “federal, state, or local permit” shall be required for any portion of a CERCLA remedial action that is conducted on the site of the facility being remediated. This includes exemption from the RCRA permitting process. Note that the substantive requirements of the regulations must still be met (e.g., construction stormwater must be managed using BMPs).	Applicable to the remedial action at the site.
The Native American Graves Protection And Repatriation Act	25 USC Section 3002 and its regulations Title 43 CFR Part 10.4	Protects Native American graves from desecration through the removal and trafficking of human remains and cultural items including funerary and sacred objects.	Substantive requirements applicable if Native American burials or cultural items are identified within the area to be disturbed.
National Historic Preservation Act	16 USC 470 et seq; 36 CFR Part 800.4 – 8; 800.10	Provides for the protection of sites with historic places and structures	Substantive requirements applicable if eligible resources are identified within the area to be disturbed.
Archeological Resources Protection Act of 1979	16 USC Sections 470cc (b), (c), ; 43 CFR Part 7.4, and 7.7	Prohibits removal of or damage to archaeological resources unless by permit or exception	Substantive requirements applicable if eligible resources are identified within the area to be disturbed.
American Indian Religious Freedom Act	42 USC Section 1996 et seq.	Protects religious, ceremonial, and burial sites, and the free practice of religions by Native American groups.	Substantive requirements applicable if Native American sacred sites are identified within the area to be disturbed.
<b>Action-Specific ARARs</b>			
RCRA	40 CFR. Part 262 Subpart B, & Part 263 Subparts B and C	Establishes responsibilities for transporters of hazardous waste in handling, transportation, and management of the waste. Sets requirements for manifesting, recordkeeping, packing, labeling, and emergency response action in case of a spill.	Applicable depending on waste classification and if it is transported offsite for disposal.

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RCRA Land Disposal	40 CFR Part 268.32, 34-37, and subpart D,	LDRs: Establishes restrictions on land disposal unless treatment standards are met or a "no migration exemption" is granted. LDRs establish prohibitions, treatment standards, and storage limitations before disposal for certain wastes as set forth in Subparts C and D. Treatment standards are expressed either as concentration-based performance standards or as specific treatment methods. Wastes must be treated according to the appropriate standard before wastes or the treatment residuals of wastes may be disposed in or on the land. The Universal Treatment Standards establish a concentration limit for 300 regulated constituents in soil regardless of waste type.	Applicable for disposal of hazardous wastes, if the site soil is characterized as such.
Transportation	49 CFR. Part 171 Subparts A & B	Hazardous materials that may be transported offsite cannot be transported in interstate and intrastate commerce, except in accordance with the requirements of 49 CFR Part 171, Subpart C.	Applicable as any offsite transportation of hazardous waste will comply with these regulations, which involve packaging, placarding, labeling, and other shipping requirements.
Criteria for Classification of Solid Waste Disposal Facility and Practices	40 CFR 257.3	Sets standards for land disposal facilities for nonhazardous waste.	Applicable to transport and disposal of any nonhazardous waste offsite.
Hazardous Waste Management; Standards Applicable to Generators of Hazardous Waste; and Standards Applicable to Transporters of Hazardous Waste	OAC 252:205 – Oklahoma Hazardous Waste Management Rules Sections 5-5, 9-3 & 9-4	Regulates the generation, transport, storage, treatment, and disposal of hazardous wastes generated in the course of a remedial action. Regulates the construction, design, monitoring, operation, and closure of hazardous waste facilities.	Requirements under these regulations may be relevant and appropriate to transportation and disposal of wastes.
Solid Waste Management	OAC 252:515-5, 515-7-1, 515-9-1, 515-11 – 13, & 515-31	Implements the OSWMA, which provides rules for the transportation, handling, storage, and/or disposal of solid waste regulated by the OSWMA.	The requirements are applicable to the transportation, handling, storage, and/or disposal of any solid wastes generated during remedial action.
Well Driller and Pump Installer Licensing	OAC 785:35	Establishes requirements for well drilling and plugging.	Potentially applicable if installation or plugging and abandonment of groundwater monitoring wells or boreholes takes place.

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Endangered Species Act of 1973	16 USC 1533-; 50 CFR 17.11-12; 17.51-52; 17.61-62; and 17.71-72	Requires remedial agency to consult with Fish and Wildlife Service if action may affect endangered species or critical habitat. Requires action to conserve endangered species within critical habitats upon which endangered species depend; includes consultation with Department of Interior.	No documentation is found to show endangered species are present at the site; however, it is TBC to confirm that determination during the soil remediation.
<b>TBCs</b>			
Floodplain Management	Executive Order 11988	Establishes federal policy and guidance for activities completed in floodplains	TBC since portions of the site are within a 100-year floodplain.
Protection of Wetlands	Executive Order No. 11990	Mandates that Federal agencies and potentially responsible parties avoid, to the extent possible, the adverse impacts associated with the destruction or loss of wetlands and avoid support of new construction in wetlands if a practicable alternative exists.	TBC during remedial actions since portions of the site are within or near wetlands.
Notes: ARAR = Applicable Relevant and Appropriate Requirement. BMP = Best Management Practice. CERCLA = Comprehensive Environmental Response, Compensation, and Liability Act. CFR = Code of Federal Regulations. ELV = Estimated Limit Value. LDR = Land Disposal Restriction. OAC = Oklahoma Administrative Code. OSWMA = Oklahoma Solid Waste Management Act. RCRA = Resource Conservation and Recovery Act. TBC = To be considered. TLV = Threshold Limit Values. USC = U.S. Code.			